

REMARKS

Re-examination and allowance of the present application is respectfully requested.

The Examiner rejects the claims under 35 U.S.C. §112, second paragraph on the ground that recitations in the claims lack proper antecedent basis. The Examiner further objects to the form of claims 5-33. Applicant has now reviewed and revised the claims, paying particular attention to the concerns raised by the Examiner. In view of the current amendments to the claims, Applicant submits that the grounds for the claim objections and various 35 U.S.C. §112, second paragraph rejections no longer exist, and respectfully request that this ground of rejection and objection be withdrawn.

Claims 1-33 stand rejected under 35 U.S.C. §102(a) as being anticipated by an article by WANG et al., (hereinafter referred to as WANG article). Applicant respectfully traverses this ground of rejection, submitting that the WANG article is not a proper reference.

Specifically, Applicant submits that while the WANG article lists two authors, the document in fact is the sole authorship (and invention) of Applicant. In this regard, Applicant submits a Declaration Under 37 C.F.R. §1.132 that was executed by Mr. TAN, the second-listed author on the WANG article, declaring that the contents of the WANG article originated solely from the work of

Applicant, was written by Applicant, and that he (Mr. TAN) were merely listed as a co-author because he attended a meeting at which the WANG article was presented. Accordingly, Applicant submits that the WANG article is not a publication by another, but is in fact an article by Applicant. Accordingly, in accordance with M.P.E.P. §2132.01, Applicant submits that the WANG article is not a proper reference under 35 U.S.C. §102(a), as this section requires that a publication be by another. Accordingly, Applicant respectfully requests that the 35 U.S.C. §102(a) rejection be withdrawn.

Further, Applicant submits that the WANG article does not qualify as a publication, as the article was not open to the public. According to ISO/IEC procedures, Input contributions are assigned a document file beginning with the letter "M". All input documents are in softcopy form only and are considered private. A copy of the relevant portions of ISO/IEC JTC 1/SC 29/WG11 Nxxxx, indicating the private nature of M designated input documents is enclosed. Applicant submits that the WANG article is an input document, as it is assigned a document file beginning with the letter "M". In accordance with M.P.E.P. §2128.01(III), Applicant notes that documents and items distributed internally within an organization, which are intended to remain confidential are not "printed publications", no matter how many copies are distributed. Accordingly, Applicant submits that an additional ground exists for concluding that the WANG article is

not a proper publication under 35 U.S.C. §102.

In view of the above, the 35 U.S.C. §102 rejection of the claims is respectfully requested to be withdrawn.

Applicant also respectfully traverses the 35 U.S.C. §103(a) rejection of claims 1, 2, 5, 8, 14, 16, 17, 22, 24, and 26-28 as being unpatentable over U.S. Patent 5,710,833 to MOGHADDAM et al., (hereinafter MOGHADDAM).

Applicant submits that MOGHADDAM fails to disclose or suggest how to obtain the first-order eigenfeature, or the second-order eigenfeature. In fact, the Examiner acknowledges in the Office Action that MOGHADDAM does not disclose a second-order eigenfeature, but then asserts that the document must use such a feature, since it takes into account variations in lighting. Applicant submits that the Examiner is mistaken. Applicant notes, for example, that column 9, lines 8-15 disclose that normalization may be performed without using second-order eigenfeatures. Further, Applicant submits that the specific features described in MOGHADDAM are not ones that engineers in the field would easily think of.

In view of the above, Applicant submits that claims 1, 2, 5, 8, 14, 16, 17, 22, 24, and 26-28 are not obvious over MOGHADDAM. Accordingly, the Examiner is respectfully requested to withdraw the 35 U.S.C. §103 rejection.

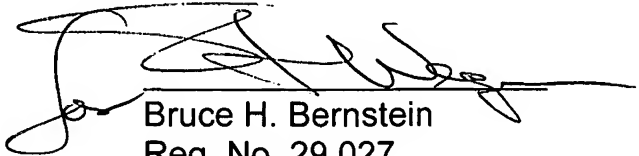
SUMMARY AND CONCLUSION

In view of the fact that none of the art of record, whether considered alone or in combination, discloses or suggests the present invention, as now defined by the pending claims, and in further view of the above amendments and remarks, reconsideration of the Examiner's action and allowance of the present application are respectfully requested and are believed to be appropriate.

Should the Commissioner determine that an extension of time is required in order to render this response timely and/or complete, a formal request for an extension of time, under 37 C.F.R. §1.136(a), is herewith made in an amount equal to the time period required to render this response timely and/or complete. The Commissioner is authorized to charge any required extension of time fee under 37 C.F.R. §1.17 to Deposit Account No. 19-0089.

If there should be any questions concerning this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,
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